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Attorneys for *Respondent/Secured Creditor*  
THE BANK OF NEW YORK MELLON FKA THE BANK  
OF NEW YORK SUCCESSOR TRUSTEE TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE FOR THE BEAR STEARNS  
ALT-A TRUST, MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2005-04

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**

In re  
JEFFREY S. BEIER,  
Debtor.

Case No. 8:23-bk-10898-TA

Chapter 7

**DECLARATION OF JOSEPH C.  
DELMOTTE IN SUPPORT OF  
OPPOSITION TO OBJECTION TO  
PROOF OF CLAIM 2-1 FILED BY THE  
BANK OF NEW YORK MELLON, FKA  
THE BANK OF NEW YORK  
SUCCESSION TRUSTEE TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE FOR  
THE BEAR STEARNS ALT-A TRUST,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-04**

DATE: January 9, 2024  
TIME: 11:00 a.m.  
CTRM: 5b

411 West Fourth Street  
Santa Ana, CA 92701

I, Joseph C. Delmotte, declare as follows:

1. I am employed as a Supervising Attorney at the law firm of Aldridge Pite, LLP  
("AP"), counsel for The Bank of New York Mellon, FKA The Bank of New York Successor  
Trustee to JPMorgan Chase Bank, N.A., as Trustee for The Bear Stearns ALT-A Trust,

1 Mortgage Pass-Through Certificates, Series 2005-04 (“BONY”) in this proceeding.

2 2. This declaration is based on my own personal knowledge and upon my review of  
3 AP’s business records.

4 3. I have access to and am familiar with AP’s books and records regarding this case.  
5 I am familiar with the manner in which AP maintains its books and records. AP’s records are  
6 made at or near the time of the occurrence of the matters set forth in such records by an  
7 employee or representative with knowledge of the acts or events recorded. Such records are  
8 obtained, kept and maintained by AP in the regular course of its business. AP relies on such  
9 records in the ordinary course of its business.

10 4. Pursuant to my communications with the Trustee’s counsel of record Nathan  
11 Smith regarding the Chapter 7 Trustee’s Motion for an Order: (1) Authorizing Sale of Real  
12 Property Free and Clear of Liens and Interests Pursuant to 11 U.S.C. Section 363(f); (2)  
13 Approving Overbid Procedures; (3) Approving Broker Compensation; (4) Authorizing  
14 Distribution of Sale Proceeds; (5) Determining that the Proposed Buyer and Overbidder Are  
15 “Good Faith Purchasers” Under 11 U.S.C. Section 363(m); and (6) Waiving 14 Day Stay  
16 Imposed by Federal Rule of Bankruptcy Procedure 6004(h) (“Motion to Sell”) (Docket No. 87)  
17 and Order Granting the Motion to Sell (“Sale Order”) (Docket No. 104), he confirmed it was the  
18 Trustee’s position that BONY’s lien attached to the sale proceeds by operation of law and  
19 therefore it was not necessary to include express language in the Sale Order that BONY’s lien  
20 attached to the sale proceeds.

21 Executed this 26<sup>th</sup> day of December, 2023, at San Diego, CA 92108.

22 /s/Joseph Delmotte

23 \_\_\_\_\_  
24 Joseph C. Delmotte  
25  
26  
27  
28

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
8880 Rio San Diego Drive, Suite 725 San Diego, CA 92108

A true and correct copy of the foregoing document entitled: **Declaration Of Joseph C. Delmotte In Support Of Opposition To Objection To Proof Of Claim 2-1 Filed By The Bank Of New York Mellon, Fka The Bank Of New York Successor Trustee To JPMorgan Chase Bank, N.A., As Trustee For The Bear Stearns Alt-A Trust, Mortgage Pass-Through Certificates, Series 2005-04** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* December 26, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**U.S. TRUSTEE:**

ustpregion16.sa.ecf@usdoj.gov

**TRUSTEE:**

Arturo Cisneros- arturo@mclaw.org

**ATTORNEY FOR DEBTOR:**

David R Haberbush dhaberbush@lbinsolvency.com

**TRUSTEE'S ATTORNEY:**

Nathan F. Smith- nathan@mclaw.org

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* December 26, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**PRESIDING JUDGE:**

Honorable Theodor Albert  
U.S. Bankruptcy Court Central District Of California  
(Santa Ana)  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5085 / Courtroom 5B  
Santa Ana, CA 92701-4593

**DEBTOR:**

Jeffrey S Beier  
P O Box 7644  
Laguna Niguel, CA 92677

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/26/2023  
Date

Lauren Timby  
Printed name

/s/ Lauren Timby  
Signature